



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,398	10/20/2003	Satish K. Gaggar	GEPL.P-089	3758
21121	7590	01/10/2006		
OPPEDAHL AND LARSON LLP P O BOX 5068 DILLON, CO 80435-5068				
			EXAMINER NAKARANI, DHIRAJLAL S	
			ART UNIT	PAPER NUMBER
			1773	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/690,398

Applicant(s)

GAGGAR ET AL.

Examiner

D. S. Nakarani

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-6, 11-13 and 18-22 is/are rejected.  
7) ☒ Claim(s) 7-10, 14-17 AND 23-31 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-6, 11-13 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grefenstein et al (U.S. Patent 6,589,378 B2) in view of McCollum et al (U.S. Patent Application Publication US 2004/0146714 B1).

Grefenstein et al disclose a laminated sheet comprising substrate ABS or the component (1)(col. 10, lines 36-38), interlayer comprising styrene-acrylonitrile copolymers (col. 11, line 29) or component (1) which comprises a mixture of component A and component B (Col. 10, lines 60-63, and col. 2, lines 33-63) and top layer of acrylic resin such as polymethyl methacrylate or impact modified polymethyl methacrylate (col. 11 lines 5-7). The component (1) encompasses claimed acrylonitrile-styrene-acrylate rubber terpolymer. Grefenstein et al fail to disclose acrylic modified ABS.

McCollum et al disclose laminated molded article comprising a top layer of acrylic polymer bonded to an ABS layer. McCollum et al's ABS layer can be made of two layers wherein one layer can be acrylic-styrene-acrylonitrile copolymer bonded to an ABS – acrylic alloy. McCollum et al's ABS, ASA or ABS-acrylic alloy are equivalent as a substrate film (page 2, paragraph 0012 and 0013 and claims 27 and 34).

Therefore it would have been obvious to a person of ordinary skill in the art to which this invention pertains to utilize disclosure of McCollum et al in the invention of

Art Unit: 1773

Grefenstein et al to use McCollum et al's ABS-acrylic alloy instead of ABS since they are equivalent substrates.

3. Claims 7-10, 14-17 and 23-31 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims are deemed allowable because art of record does not teach or suggest a laminate comprising claimed fourth acrylic layer.

4. Applicant's arguments filed October 19, 2005 have been fully considered but they are not persuasive. In reference to rejection of claims 1-6, 11-13 and 18-22 under 35 U.S.C. 103(a) as being unpatentable over Grefenstein et al (U.S. Patent 6,589,378 B2) in view of McCollum et al (U.S. Patent Application Publication US 2004/0146714 B1), applicants mainly argue that neither Grefenstein et al nor McCollum et al teach or suggest claimed acrylate-modified acrylonitrile-styrene-acrylate rubber terpolymer or acrylonitrile-styrene-acrylate rubber terpolymer as middle layer and modified ABS that further comprises a polymer modifier that decreases the softening of the ABS on contact with styrene and an acrylonitrile-styrene-acrylate rubber terpolymer as substrate layer.

These arguments are unpersuasive because Grefenstein et al's middle layer is not limited to only styrene-acrylonitrile copolymer. Grefenstein et al's middle layer can be of component (1), which encompasses claimed middle layer since claimed invention is an

open language and inclusive of additional components not recited in the claim. The claimed invention is not limited to second claimed alternative.

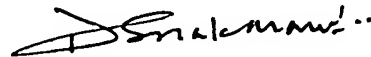
5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is (571) 272-1512. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**D. S. Nakarani**  
**Primary Examiner**  
**Art Unit 1773**

Dsn  
January 7, 2006.